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D256v

Henry D. Pellew Crease

J. P. DAVIES & CO., Auctioneers.

VALUABLE PROPERTY

IN THE

CITY OF VICTORIA

AND

Districts of Victoria, Sooke and New Westminster.

IN THE

SUPREME COURT OF BRITISH COLUMBIA,

Pursuant to an Order made in an Action

NAYLOR v. JACKSON AND OTHERS,

With the approbation of the Judge, I will sell at Salesroom, Wharf Steet, on

SATURDAY, AUGUST 2d, 1884,

AT NOON,

The Freehold and other Property

Belonging to the estate of the late HENRY RHODES, Esq.

☞ Particulars and conditions of sale contained herein.

JOSHUA DAVIES, Auctioneer.

THE COLONIST PRINT.

PROVINCIAL ARCHIVES OF B. C.

234805

In the Supreme Court of British Columbia.

Between JOHN NAYLOR, *Plaintiff*,

AND

ROBERT EDWIN JACKSON, ISRAEL WOOD POWELL, AUGUSTUS RUPERT GREEN, AND HARRY RHODES, *Defendants*.

Particulars and Conditions of Sale of certain freehold property situate in the City and District of Victoria, and elsewhere in the Province of British Columbia, which will be sold by auction by Mr. Joshua Davies, with the approbation of the Honorable Mr. Justice Crease, the Judge to whom this action is attached, pursuant to the order herein dated the eighth day of March, 1883, at the auctioneer's saleroom, Wharf street, Victoria, on Saturday, the second day of August, 1884, at noon, in thirteen lots.

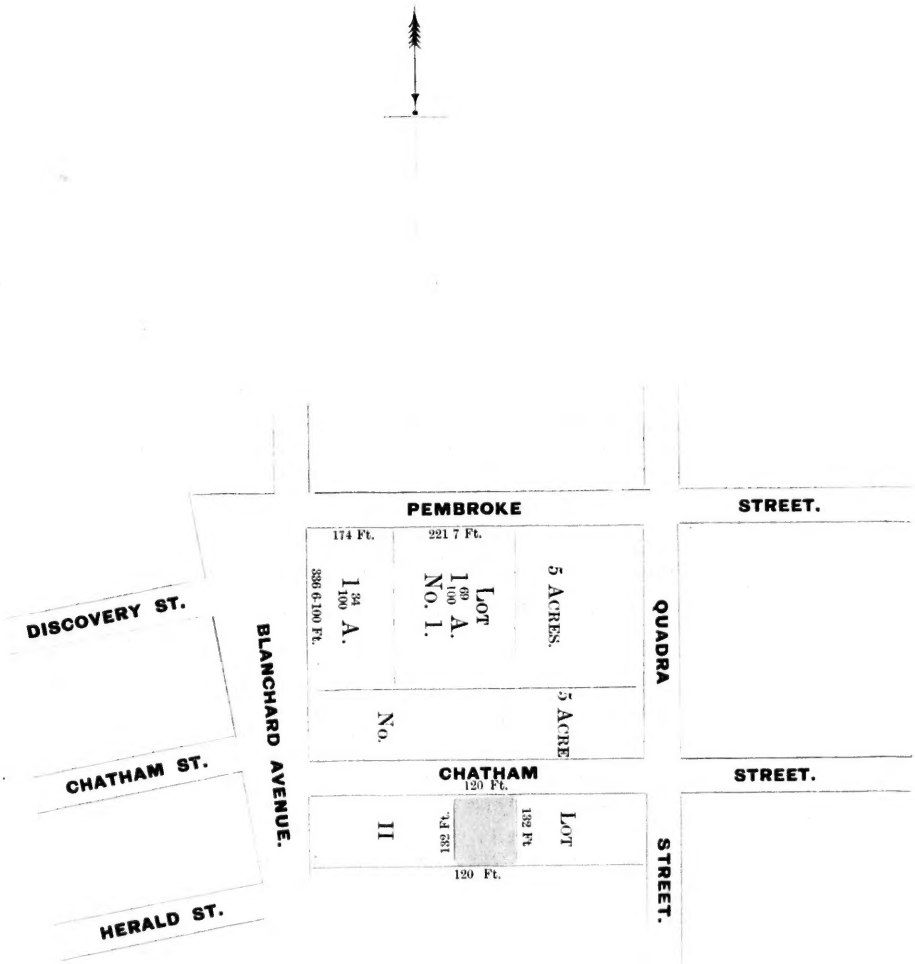
Particulars and conditions of sale may be had gratis of Mr. Edwin Johnson, of Bastion street, Victoria, Solicitor; of Messrs. J. P. Davies & Co., of Wharf street, Victoria, auctioneers, and at the place of sale.

CHATHAM STREET.

LOT 1.—A freehold plot of land, with dwelling house thereon, situate in the City of Victoria aforesaid, parcel of Suburban Five-acre Lot II (Two), having a frontage of 120 feet on the southern side of Chatham street, extending thence at right angles 130 feet, more or less, to the southern boundary of the said suburban Five-acre Lot II, and bounded on the west by other land, parcel of the same lot, now or formerly the property of J. E Chapman.

The dwelling house is large and commodious, and contains eight rooms, and the usual outbuildings, and is now in the occupation of the Rev. Canon Dwyer, as a monthly tenant.

This lot will be sold subject to a mortgage to secure payment of the principal sum of $3000; the interest thereon has been paid to the seventeenth day of June, 1884.



Archives
of
British Columbia
CREASE
COLLECTION

234805

YATES STREET.

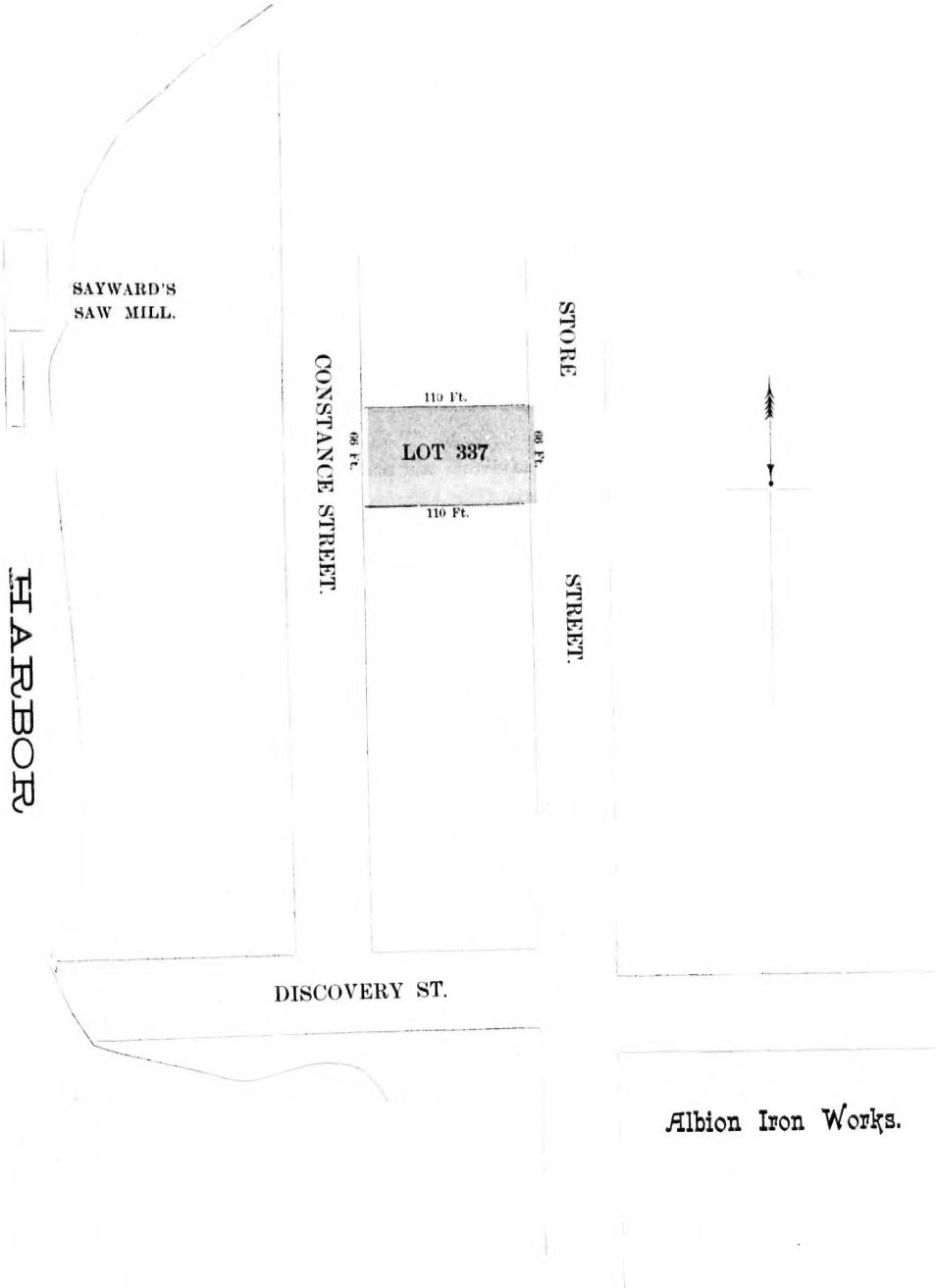
LOT 2.—A freehold plot of land, with the brick building thereon, situate on the northern side of Yates street, in the City of Victoria aforesaid, having a frontage to said street of twenty feet, and extending thence at right angles northwardly 120 feet, being the western portion of Victoria Town Lot No. 187.

This lot will be sold subject to a mortgage to secure payment of the principal sum of $4000, interest on which has been paid up to the seventeenth day of June, 1884.

STORE ST.
JOHNSON STREET.
WHARF
WADDINGTON ALLEY.
ORIENTAL ALLEY.
189
188
187
186
120 FEET.
120 FEET.
20
20
FEET
YATES STREET.
STREET.

STORE STREET.

LOT 3.—A freehold plot of land, having a frontage to Store street and Constance street, in the City of Victoria, and known as Town Lot No. 337, and the building thereon.



PROVINCIAL ARCHIVES OF B. C.

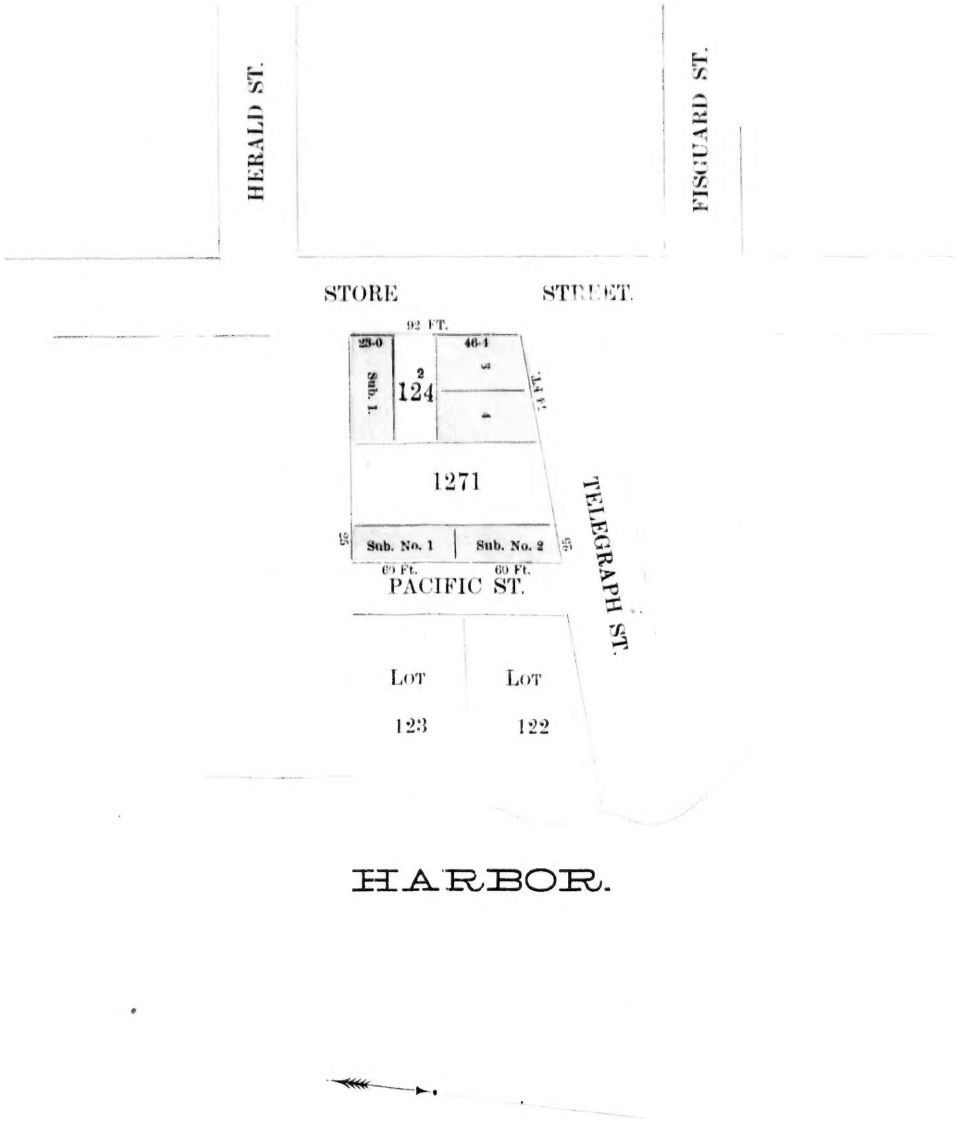
Pacific, Telegraph and Store Streets.

LOT 4.—A freehold plot of land, being Subdivision No. 1 of Town Lot No. 123, Victoria City, bounded and described as follows: Commencing at a point on the northeast corner of said Lot No. 123, and running thence westardly on the line of a street not named 25 feet to the corner of Pacific street; thence at right angles on the easterly line of said Pacific street southerly 60 feet, more or less; thence at right angles, running easterly 25 feet; thence at right angles, running northerly 60 feet, to the point of commencement.

LOT 5.—A freehold plot of land adjoining said portion of Lot 123, being Subdivison No. 2 of Town Lot No. 122, Victoria City, bounded and described as follows: Commencing at a point on the southeast corner of Town Lot 122, and running thence westwardly on the line of a street not named 25 feet to the corner of Pacific street; thence at right angles, running northwardly along the east line of said Pacific street 60 feet, more or less; thence at right angles eastwardly 25 feet to the easterly line of said Town Lot No. 122; thence at right angles, running southerly, to the point of commencement.

LOT 6.—A freehold plot of land in the City of Victoria, being Subdivision No. 1 of Town Lot No. 124, bounded and described as follows: Commencing at a point on the northeast corner of the said Lot No. 124, where Store street intersects a street not named on the official map; thence running south on the westerly line of Store street 23 feet; thence at right angles westerly 74 feet 7 inches to the westerly line of said Lot No. 124; thence at right angles, running northerly, 23 feet to the southerly line of said unnamed street; thence easterly to the place of beginning.

LOT 7.—A freehold plot of land in the City of Victoria, being the southerly portion of Town Lot No. 124, known as Subdivisions 3 and 4, bounded and described as follows: Commencing at a point on the southeast corner of the said Town Lot, which corner is the northwesterly intersection of Store street and another street not named running to the water's edge; thence running northwardly 46 feet 4 inches; thence at right angles westwardly 74 feet 4 inches; thence at right angles along the westerly line of said lot 59 feet 4 inches to the line of the street not named; thence easterly along said northerly line of said street 74 feet to the place of beginning.


HERALD ST.
FISGUARD ST.
STORE STREET.
92 FT.
23-0
Sub. 1.
2
124
46-1
3
4
74 FT.
1271
TELEGRAPH ST.
95
Sub. No. 1
Sub. No. 2
95
60 Ft.
60 Ft.
PACIFIC ST.
LOT
123
LOT
122
HARBOR.

BURNSIDE ROAD.

LOT 8.—A freehold piece of land, situate on the north side of the Burnside Road, in Victoria District, being portion of Section LXXXI, and having a frontage to the Harriet Road of 876 feet, and a frontage to the Burnside Road of 300 feet, and containing 6. 2-10 acres.

SECTION LXXXI.
6 2/10 A.
876 Ft.
ROAD.
390 Ft.
BURNSIDE
ROAD
HARRIET

SOOKE DISTRICT.

LOT 9.—A piece of land, situate in Sooke District, Vancouver Island, being Section LXVII, containing 8 acres, fronting on Sooke Harbor, being a most desirable site for a summer residence.

This land is held under a receipt for the purchase money paid to the Crown, dated 19th November, 1859—No. 253.

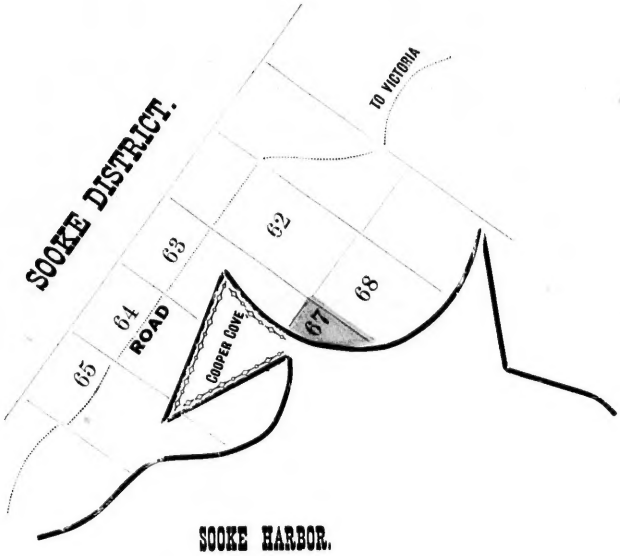
FORT HOPE.

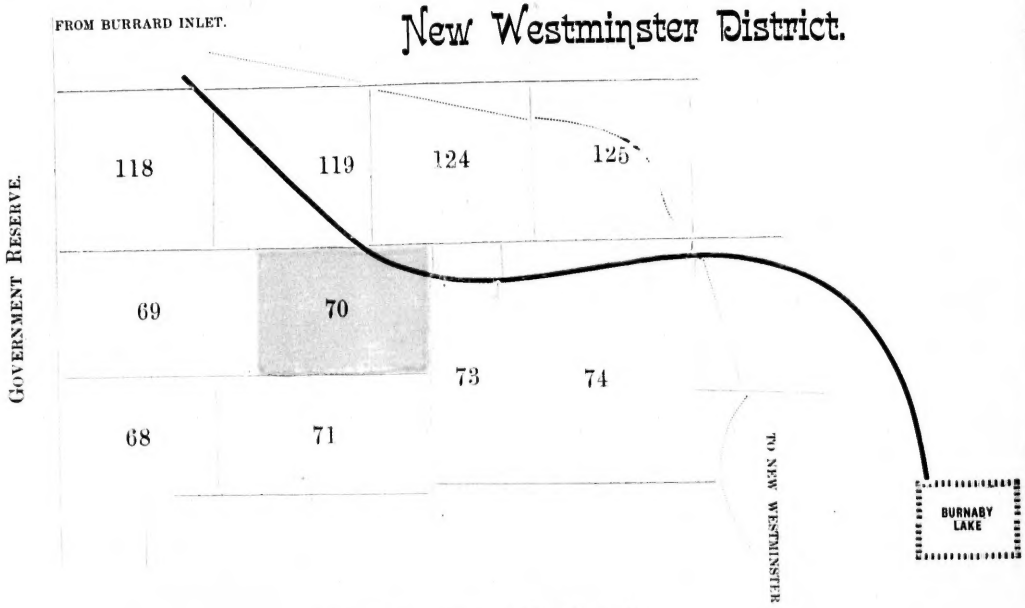
LOL 10.—A freehold plot of land, situate at Fort Hope, in British Columbia, and numbered Lot 2, Block 5, in the Official Plan or Survey. A plan will be exhibited at the time of sale

New Westminster District.

LOT 11.—A piece of land in New Westminster District, being Lot 70, Group 1, containing 160 acres, situate near the New Westminister and Burrard Inlet Road, about two miles from the water frontage at Burrard Inlet. This property is in the best farming district in the Province, and lies adjacent to the Government Reserve, known as the Hastings Town Site.

This lot is held under a certificate of purchase from the Crown—No. 405—dated the 13th April, 1877, for $160; a receipt for $80 on account of the purchase money accompanies the certificate; and it will be sold subject to the claim of the Crown for the balance of the purchase money, viz: $80.00.





PROVINCIAL ARCHIVES OF B. C.

MAPLEHURST.

LOT 12.—A freehold mansion, messuage, or dwelling house, called "Maplehurst," situate in the City of Victoria, consisting of a rectangular plot of land containing 1. 34-100 acres, parcel of Suburban Five-acre Lot 1, and having a frontage of 336.6-10 feet on the eastward side of Blanchard avenue, and 174 feet on the southward side of Pembroke street, and a large, commodious and elegant dwelling house containing 16 rooms, with the usual modern conveniences, including gas and water, and out-buildings, lawn, shrubberies, orchard, flower and fruit garden, etc. This mansion was built by the late Henry Rhodes, Esq., for his family residence.

This property will be sold subject to a mortgage for the sum of £1500 sterling and interest thereon amounting to £901, or thereabouts.

LOT 13.—A freehold rectangular plot of land containing 1.69-100 acres, situate in the City of Victoria aforesaid on the eastward side of and adjoining Lot 12, and used and occupied therewith as a garden and shrubbery, having a frontage on the southward side of Pembroke street of 221.7 feet, and extending thence at right angles to the southern boundary of the said Suburban Five-acre Lot 1, of which it is or was parcel. There is a cottage on this lot.

The lot will be sold subject to a mortgage for the sum of £600 sterling and interest thereon, amounting to £252. or thereabouts.

It is proposed to offer lots 12 and 13 together, and if not sold together, then to offer them separately.

PEMBROKE
STREET.
174 Ft.
221 7 Ft.
236 6-100 Ft.
1 31/100 A.
1 99/100 A.
5 ACRE
LOT
No. 1.
5 ACRE
No.
II
DISCOVERY ST.
CHATHAM ST.
HERALD ST.
BLANCHARD AVENUE
QUADRA
STREET
CHATHAM
STREET.
120 Ft.
132 Ft.
132 Ft.
LOT
120 Ft.

CONDITIONS OF SALE.

1. No person is to advance less at each bidding than the sum named by the auctioneer.

2. The sale is subject to a reserved bidding for each lot, which has been fixed by the judge, to whom this action is attached.

3. Each purchaser is at the time of sale to subscribe his name and address to his bidding paper; and all written notices, and communications, and summonses, are to be deemed duly delivered and served upon the purchaser by being left for him at such address, unless or until he is represented by a solicitor.

4. Each purchaser is at the time of sale to pay a deposit of 25 per cent. on the amount of his purchase money to the auctioneer.

5. The Registrar of the Court, at Victoria, will, after the sale, proceed to certify the result, and Thursday, the 7th day of August, 1884, at 11 o'clock in the forenoon, is appointed as the time at which the purchasers may, if they think fit, attend, by their solicitors, at the Chambers of the said Judge, in the Supreme Court House, at Victoria, to settle such certificate. The certificate will then be settled; and will, in due course, be signed and filed, and become binding without further notice or expense to the purchaser.

6. Each purchaser is, within three days after such certificate has become binding, to deliver at the office of Mr. Edwin Johnson, Bastion street, Victoria, a statement in writing of his objections and requisitions (if any) to or on the title to the lot or lots purchased by him; and, upon the expiration of such last-mentioned time, and in this respect time is to be deemed of the essence of the contract, the title is to be considered as approved of and accepted by such purchaser, subject only to such objections and requisitions (if any).

7. Each purchaser is, on or before the 12th day of August, 1884, to pay the amount of his purchase money (after deducting the amount paid as a deposit) into Court, to the credit of an account to be intituled "Proceeds of sale of the Testator's Real Estate," and if the same is not so paid, then the purchaser is to pay interest on his purchase money at the rate of 10 per cent. per annum from that day to the day on which the same is actually paid. Upon payment of the purchase money in the manner aforesaid, the purchaser is to be entitled to the rents and profits as from the day of sale, down to which time all outgoings are to be paid by the Receiver of the said estate.

8. If any error or misstatement shall appear to have been made in these particulars regarding title or otherwise, such error or misstatement is not to annul the sale nor entitle the purchaser to be discharged from his purchase, but a compensation is to be made to or by the purchaser, as the case may be, and the amount of such compensation is to be settled by the said Judge at Chambers.

9. All facts or matters admitted or proved in the above-mentioned action of Naylor vs. Jackson and others, or certified by the Registrar of the Court, shall be deemed thereby conclusively evidenced.

10. The property is believed and shall be taken to be correctly described, and is sold subject to all easements (if any) subsisting therein; and the purchaser shall be deemed to buy with full notice of the state of the property as respects repairs, insurance and all other matters.

11. The purchaser shall not require from any conveying party any other covenant than a covenant that such party has not incumbered.

12. If the purchaser shall not pay his purchase money at the time above specified, or at any other time which may be named in any order for that purpose, and in all other respects perform these conditions, an order may be made by the Judge, upon application, for the resale of the lot purchased by such purchaser, and for payment by the purchaser of the deficiency (if any) in the price which may be obtained upon such resale, and of all costs and expenses occasioned by such resale.

BIDDING PAPER.

We, whose names are hereunder subscribed, respectively bid at the sale by auction in the above action, on the second day of August, 1884, the sums set opposite to our respective names, for and become the purchasers of the respective lots specified in the particulars produced at such sale, the numbers of which are set opposite to our respective names, subject to the conditions also produced at such sale.

NUMBER OF LOT.	AMOUNT OF HIGHEST BIDDING.	SIGNATURES OF THE PURCHASERS OF THE LOTS SOLD.	PURCHASER'S ADDRESS AND QUALITY